

United States District Court
Eastern District of California

Darrel Lee Smith,

Plaintiff,

vs.

King, et al.,

Defendants.

No. Civ. S 04-0702 MCE PAN P

Order

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Plaintiff is a prisoner, without counsel, seeking redress for violation of his federal civil rights; plaintiff claims defendant King was deliberately indifferent to plaintiff's safety when King released confidential information about plaintiff's enemies. Plaintiff has filed a document styled, "Motion to Compel Discovery." Defendants filed no opposition.

A party may move for an order compelling discovery with respect to objections or other failure to respond to interrogatories or requests to inspect documents. Fed. R. Civ.

1 P. 37(a)(2)(B), 33(b)(5), 34(b).

2 A party who has requested admissions may move to determine
3 the sufficiency of the answers or objections and unless the court
4 determines an objection is justified, it shall order an answer be
5 served. Fed. R. Civ. P. 36(a).

6 Plaintiff's motion states:

7 Now comes plaintiff Darrel Lee Smith on June 7, 2005
8 filing with a proof of service on Defendant King A
9 [sic] motion to compel discovery of all facts relating
10 to his investigation in this case base [sic] on
11 Defendant's [sic] King investigation was not and is not
12 approved in writing by the warden of the institution.
13 Penal Code 2932.2(iii), (iv). However Smith request
14 [sic] Mark Baker [sic] medical record dated March 10,
15 2003; and his RVR 115 relating to this issue are matter
16 [sic] "Base on "B" [sic] Facility was on lockdown and
17 Mark Baker was Smith Celly [sic].

18 Plaintiff has made no showing he sought this information
19 through any of the available discovery methods. See Fed. R. Civ.
20 P. 33, 34, 36.

21 I therefore deny plaintiff's June 9, 2005, request. See
22 Fed. R. Civ. P. 37(a)(2)(B), 33(b)(5), 34(b), 36(a).

23 So ordered.

24 Dated: January 5, 2006.

25 /s/ Peter A. Nowinski
26 PETER A. NOWINSKI
Magistrate Judge